



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,826	10/23/2001	Tatsuo Kaizu	275744US6	9532
22850	7590	09/24/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SHEPARD, JUSTIN E				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
09/24/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Response to Arguments

Applicant's arguments filed 9/9/09 have been fully considered but they are not persuasive.

Page 7, last paragraph:

The applicant again argues (as it did in the previous response) that Ehrhart deals with the issues resulting from counterfeited lottery tickets. Ehrhart teaches a method for searching for lottery ticket codes locally, and if not found locally the system searching a remote database for the information (column 27, lines 19-27).

In the next section, the applicant continues to argue that Ehrhart does not have anything to do with downloading remote controller controlling codes from a server as is required by the claim. The main reference (Levine) discloses a system wherein remote control controlling codes are downloaded from a server, and never stored locally. Once again, it is the opinion of the examiner that one would have been able to combine the remote server information searching and local information storing taught by Ehrhart to the system disclosed by Levine to meet the claim limitation.

Finally (in the last section of page 8), the applicant argues that Levine would not have looked to Ehrhart for memory information processing of lottery ticket identification codes, as they deal with different subject matter. The test is not whether Levine would have been able to see the benefits of combining Ehrhart with Levine, but whether one of ordinary skill in the art would have been able to combine the references. In this case, one of ordinary skill in the art (understanding the system disclosed by Levine, which is a system for downloading codes from a remote server) would have understood remote

and local information storage to the extent that they would have seen the benefit of adding some local storage as taught by Ehrhart to the Levine system for storing some of the codes, but still enabling Levine to retrieve codes from a server when the codes are not store locally. The combination is therefore considered to be valid and the rejection stands.

The examiner suggests that the applicant takes a look at the specification and try and add in a limitation that better defines the invention over the cited prior art. It is the opinion of the examiner that this would help to advance prosecution more than disputing the opinions of both the examiner and applicant, each of which seem to be set. The applicant is invited to fax (571-273-5967) in any proposed amendment before filing to ensure that the amendment would advance prosecution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS